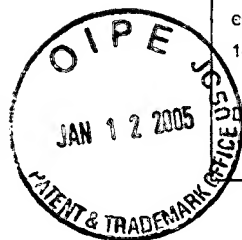


I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-2063, and being deposited with the U.S. Postal Service as Express Mail Airbill No. EV606769570US in an envelope addressed to MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date shown below.

Dated: January 12, 2005

Signature: 

Marco Jimenez



Attorney Docket No.: 39303-20222.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Yoshiki NISHITANI, et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE

Examiner: Marlon Fletcher

Group Art Unit: 2837

Notice of Allowance Mailed:
October 28, 2004

Confirmation No.: 9558

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in a Japanese office action dated October 12, 2004 (copy attached), a Japanese office action dated November 9,

01/18/2005 TL0011 00000017 031932 09758632

01 FC:1806 180.00 DA

la-769298

2004 (copy attached), and a European search report mailed on December 6, 2004 (copy attached); all directed to counterpart foreign applications. English translations of the Japanese office actions are also enclosed. **A certification under 37 C.F.R. § 1.97(e)(1) follows:**

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☒ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☒ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **(393032022200)**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

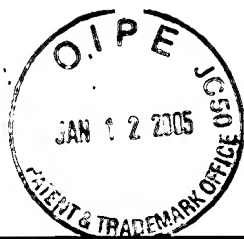
Dated: January 12, 2005

Respectfully submitted,

By 

David L. Fehrman

Registration No.: 28,600
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5601



ALTERNATIVE TO PTO/SB/C82/b (C8-03)
Express Mail Label No. EV606769570US

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/758,632
				Filing Date	January 10, 2001
				First Named Inventor	Yoshiki NISHITANI
				Art Unit	2837
				Examiner Name	Marlon Fletcher
Sheet	1	of	1	Attorney Docket Number	393032022200

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-5,177,311-A	01-05-1993	K. Mamoru et al.	
	2.	US-5,920,024-A	07-06-1999	S. Moore	
	3.	US-5,856,628	01-05-1999	Y. Noguchi et al.	
	4.	US-6,140,565	10-31-2000	A. Yamauchi et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	5.	GB-2 325 558 A	11-25-1998	Faith Tutton		
	6.	EP-0 301 790 A2	02-01-1989	Leland Stanford Junior University		
	7.	JP-1-126692 A	05-18-1989	Leland Stanford Junior University	English abstract	
	8.	JP-03-81999 U	08-21-1991	Casio Keikansaki Kabushikikaisha	English abstract	
	9.	JP-04-156596	05-29-1992	Yamaha Corp	with English abstract	
	10.	JP-06-051760	02-25-1994	Kawai Musical Instrument MFG Co	with English abstract	
	11.	JP-06-130939 A	05-13-1994	Yamaha Corp	with English abstract	
	12.	JP-09-127937	05-16-1997	Yamaha Corp	with English abstract	
	13.	JP-09-244645	09-19-1997	Yamaha Corp	with English abstract	
	14.	JP-10-31482 A	02-03-1998	Yamaha Corp	corres. to US 5,856,628 above	
	15.	JP-10-063264 A	03-06-1998	Casio Computer Co. Ltd.	with English abstract	
	16.	JP-10-097245 A	04-14-1998	Yamaha Corp	with English abstract	
	17.	JP-11-352962 A	12-24-1999	Yamaha Corp	corres. to US 6,140,565 above	
	18.	JP-11-352963	12-24-1999	Yamaha Corp	with English abstract	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

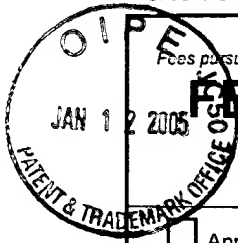
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date
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Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/03/2004
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618)

FREE TRANSMITTAL **for FY 2005**

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **180.00****Complete if Known**

Application Number	09/758,632
Filing Date	January 10, 2001
First Named Inventor	Yoshiki NISHITANI
Examiner Name	M. Fletcher
Art Unit	2837
Attorney Docket No.	393032022200

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	FEE (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
-20 or HP	x	=				

HP + highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-3 or HP	x	=	

HP + highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or reaction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information disclosure statement180.00**SUBMITTED BY**

Signature	<u>David L. Fehman</u>	Registration No. (Attorney/Agent)	28,600	Telephone	213 892 5601
Name (Print/Type)	David L. Fehman	Date	01/12/2005		